



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,118	12/19/2001	Thomas Friedhelm Bochme	DE920000083US1	3223
7590	05/23/2006		EXAMINER	
IBM CORPORATION INTELLECTUAL PROPERTY LAW DEPT. P.O. BOX 218 - 39-244 YORKTOWN HEIGHTS, NY 10598				MEUCCI, MICHAEL D
		ART UNIT		PAPER NUMBER
		2142		

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,118	BOEHME ET AL.	
	Examiner	Art Unit	
	Michael D. Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,5-10 and 13-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5-10 and 13-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 December 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application 00128496.7 filed in Germany on 23 December 2000. It is noted, however, that applicant has not filed a certified copy of the 00128496.7 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. Applicant's correspondence states that a PTO 1449 was included with the response dated 29 July 2005, but the PTO 1449 is not in the file. Some of the documents listed on the International Search Report for PCT/EP01/13653 were located in the file and it is believed by the examiner that the missing PTO 1449 was to include these documents. Additionally, the WO00/75812 A document listed on the International Search Report is not in the file and must be submitted and listed on the PTO 1449 to be considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-6, 9-10, 13-14, and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al. (U.S. 6,460,038 B1) hereinafter referred to as Khan.

a. As per claims 1 and 17, Khan teaches: receiving, at a portal node, user-requested content information from more than one content provider nodes, (lines 34-37 of column 1); wherein the user-requested content information has been generated in a markup language using a specific portlet at each of the more than one content provider nodes (line 64 of column 7 through line 6 of column 8); combining, at the portal node, the received user-requested content information using a generic portlet to produce combined user-request content information (lines 44-52 of column 1); and sending, from the portal node, the combined user-requested content information to a user node (lines 34-37 of column 1 and line 66 of column 12 through line 22 of column 13).

b. As per claim 2, Khan teaches: the content information comprises fragments of information generated in the markup language at the more than one content provider nodes, and wherein the combining step comprises combining the fragments of information into the combined user-requested content information (lines 34-52 of column 1 and lines 3-5 of column 13).

c. As per claim 5, Khan teaches: the combined user-requested content information is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).

- d. As per claim 6, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).
- e. As per claims 9 and 18, Khan teaches: generating, within at least one content provider node, user-requested content information in a markup language using a specific portlet (line 64 of column 7 through line 6 of column 8); and sending, from the at least one content provider node, the generated user-requested content information to a portal node for combining with information in the markup language received from other content provider nodes to produce combined user-requested content information and sending the combined user-requested content information to a user node using a generic portlet (lines 34-52 of column 1 and line 66 of column 12 through line 8 of column 13).
- f. As per claim 10, Khan teaches: the generating step comprises generating fragments of information in the markup language, and the sending step comprises sending the fragments of information to a portal node for combining and sending to a user node (lines 34-52 of column 1 and line 66 of column 12 through line 5 of column 13).
- g. As per claim 13, Khan teaches: the user-requested content information sent to the user node is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).
- h. As per claim 14, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-2, 5, 9-10, 13, and 17-18 rejected under 35 U.S.C. 102(a) as being anticipated by Dumbill (XML at Jetspeed) hereinafter referred to as Jetspeed.

a. As per claims 1 and 17, Jetspeed teaches: receiving, at a portal node, user-requested content information from more than one content provider nodes, (paragraph 1 on page 2); wherein the user-requested content information has been generated in a markup language using a specific portlet at each of the more than one content provider nodes (paragraph 4 on page 1); combining, at the portal node, the received user-requested content information using a generic portlet to produce combined user-request content information (paragraph 1 on page 2 and paragraphs 2-3 on page 4); and sending, from the portal node, the combined user-requested content information to a user node (paragraphs 2-3 on page 4).

b. As per claim 2, Jetspeed teaches: the content information comprises fragments of information generated in the markup language at the more than one content provider nodes, and wherein the combining step comprises combining the fragments of information into the combined user-requested content information (paragraph 1 on page 2 and paragraphs 2-3 on page 4).

c. As per claim 5, Jetspeed teaches: the combined user-requested content information is configured for displaying on a browser at the user node (Fig. 1 on pages 1-2 and paragraph 1 on page 2).

d. As per claims 9 and 18, Jetspeed teaches: generating, within at least one content provider node, user-requested content information in a markup language using a specific portlet (paragraph 4 on page 1); and sending, from the at least one content provider node, the generated user-requested content information to a portal node for combining with information in the markup language received from other content provider nodes to produce combined user-requested content information and sending the combined user-requested content information to a user node using a generic portlet (paragraph 1 on page 2 and paragraphs 2-3 on page 4).

e. As per claim 10, Jetspeed teaches: the generating step comprises generating fragments of information in the markup language, and the sending step comprises sending the fragments of information to a portal node for combining and sending to a user node (paragraph 1 on page 2 and paragraphs 2-3 on page 4).

f. As per claim 13, Jetspeed teaches: the user-requested content information sent to the user node is configured for displaying on a browser at the user node (Fig. 1 on pages 1-2 and paragraph 1 on page 2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 1 above, in view of Black et al. (U.S. 6,754,833 B1) hereinafter referred to as Black.

a. As per claim 7, Khan does not explicitly teach: the user-requested content information received from the at least one of the more than one content provider nodes is associated with a fee. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the information received from the at least one content provider node associated with a fee. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the information received from the at least one content provider node associated with a fee in the system as taught by Khan.

Art Unit: 2142

9. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 7 above, in view of Black and Official Notice.

a. As per claim 8, Khan fails to teach the step of accepting a fee before the receiving step. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of accepting a fee before the receiving step. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the step of accepting a fee before the receiving step in the system as taught by Khan.

Khan teaches accepting a fee, but fails to disclose when the fee is accepted. Official Notice is taken of accepting the fee before the receiving step. In general, most transactions occur wherein a fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to accept a fee before the receiving step in the system as taught by Khan.

10. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 9 above, in view of Black.

a. As per claim 15, Khan fails to teach the step of associating the generated user-requested content information with a fee. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to associate the generated user-requested content information with a fee. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to associate the generated user-requested content information with a fee in the system as taught by Khan.

11. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 15 above, in view of Black and Official Notice.

a. As per claim 16, Khan fails to teach the step of charging a fee before the sending step. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of charging a fee before the sending step. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the step of charging a fee before the sending step in the system as taught by Khan.

Khan teaches charging a fee, but fails to disclose when the fee is charged. Official Notice is taken of charging the fee before the sending step. In general, most transactions occur wherein the fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to charge a fee before the sending step in the system as taught by Khan.

Response to Arguments

12. Applicant's arguments filed 23 February 2006 have been fully considered but they are not persuasive.

13. (A) Regarding claim 1, the applicant contends that Kahn does not teach or suggest that information has been generated by a specific portlet at the content providers. The examiner respectfully disagrees.

As to point (A), the examiner points to lines 33-52 of column 1 which describes custom internet portals such as myYahoo, myLycos, etc. These internet portals must get the requested content from a specific location, particularly as explained, myYahoo will get news strictly from the Yahoo content providers, which clearly teaches generating content from a specific portlet. As such, the rejection remains proper and is maintained by the examiner.

14. (B) Regarding claim 1, the applicant contends that Kahn does not teach or suggest combining, at the portal, the received user-requested content information using a generic portlet. The examiner respectfully disagrees.

As to point (B), the examiner points to line 64 of column 7 through line 6 of column 8. This section describes implementing documents on the Internet together with a general-purpose communication protocol for a transport medium between the client and the content servers, which clearly teaches combining the received user-requested

content using a generic portlet as claimed. As such, the rejection remains proper and is maintained by the examiner.

15. (C) Regarding claim 1, the applicant contends that Kahn does not teach or suggest sending, from the portal node, the combined user-requested content information, generated using the generic portlet, to a user node. The examiner respectfully disagrees.

As to point (C), the examiner points to line 65 of column 12 through line 22 of column 13. This section describes the user setting “programmable bookmarks” which allow the user to view the actual content in a browser or via email. This clearly teaches sending the combined user-requested content information to the user as claimed. As such, the rejections remains proper and is maintained by the examiner.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lucassedn et al. (U.S. 6,996,800 B2) discloses portlets in a multi-modal authoring tool and development environment.

Bhatia et al. (U.S. 7,043,231 B2) discloses portal use in real-time.

Velez et al. (U.S. 7,043,450 B2) discloses portals and search engine management.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 10/024,118
Art Unit: 2142

Page 14

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sexta Feb
BEATRIZ PRIETO
PRIMARY EXAMINER